



An  
Bord  
Pleanála

## Inspector's Report ABP-317297-23.

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<b>Development</b>	110KV substation and grid connection.
<b>Location</b>	Profile Park, Baldonnell, Dublin 22.
<b>Planning Authority</b>	South Dublin County Council
<b>Applicant(s)</b>	Greener Ideas Limited.
<b>Type of Application</b>	Strategic Infrastructure.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	24 <sup>th</sup> August 2023
<b>Inspector</b>	Philip Davis.

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## 1.0 Introduction

Planning approval is sought under the provisions of section 182A of the Act for the development of a 110kV Gas Insulated Switchgear (GIS) substation and associated Air Insulated Switchgear (AIS) compound on lands at Profile Park, Baldonnell. It includes a 110kV underground cable to a substation at Barnakyle. It is located within a new industrial estate now under rapid development approximately 1km north of Baldonnell Aerodrome just west of the R136 and south of the R134, west of Clondalkin.

An EIAR has been submitted with the application.

Submissions on the application were received from the planning authority, TII, DAU and EPA.

## 2.0 Site Location and Description

The proposed development is located within a newly developing industrial estate known as Profile Park, in the townland of Kilcarbery, County Dublin. This industrial estate is located south of the R134 link road between Newcastle and Clondalkin. The area is characterised by generally flat agricultural land, much of it developing for industrial uses – there is a large industrial complex north of the site, opposite the R134, with farmland and a golf course to the south and east. A series of link roads have been completed within the industrial estate linking up a number of industrial buildings either recently completed or under construction.

The main road link to the area is via the junction of the R136 and R134 east of the lands – the R136 providing links to the M4 and M7 motorways. Baldonnell Aerodrome is approximately 1km to the south.

## 3.0 Proposed Development

The proposed development consists of a 110kV electrical substation and associated grid connection to connect with the approved Profile Park Gas Fired Peaking Power Plant (**SD21A/0167**) and will comprise:

- An Eirgrid/ESBN Control Room building;

- Associated internal 15kV and 110kV underground cabling;
- Installation of a 15/110kV Transformer (TRAFO);
- 110kV underground cable to Barnakyle 110kV substation – 3 no. power ducts and 2 no. telecom ducts;
- Diesel generator;
- Security fencing, cameras and poles;
- Lights/lamp poles;
- Lightning masts; and
- Temporary construction compound.

## 4.0 Planning History

The applicant entered into pre-application consultation with ABP (**ABP-312984-22**). The Board confirmed that it was in the opinion that the proposed development falls within the scope of section 182A in a letter dated 4<sup>th</sup> April 2023.

There is a current appeal on a nearby site for a data centre (**ABP-317446-22**).

In June 2006 the Board granted permission for the West Dublin 220/110kV substation and associated works (**PL06S.VA0019**).

In April 2021 the Board decided to grant permission for A 110kV GIS substation building and 2 underground single circuit transmission lines within the Prospect Park estate (**ABP-308585.20**).

## 5.0 Policy Context

### 5.1. Development Plan

The site is within an area designated Objective EE '*to provide for enterprise and employment related uses*' in the South Dublin County Development (SCDD) Plan 2022-2028.

## 5.2. Natural Heritage Designations

The closest Natura 2000 site to the application site is some 5km north-west, the Rye Water Valley/Cartron SAC, side code 003198 – this freshwater habitat is upriver of the site and not within its catchment. The Dublin Bay and River Tolka Estuary SPA, South Dublin Bay SAC and North Dublin Bay SAC are within 10km to the east, all within Dublin Bay. The site is within the overall Liffey catchment.

## 6.0 Submissions

### 6.1. South Dublin County Council

The proposed development is considered to meet all definitions within the South County Dublin Development Plan and is therefore considered acceptable in principle within the EE zoned lands.

- Noted that there are no protected structures, national monuments, or protected landscapes on or close to the site.
- Notes standard requirements for drainage – notes that Irish Water has no objection.
- Notes flood risk recommendations incorporated into the EIAR.
- Notes lack of detail on landscaping.
- Roads Division state that access and road capacity is acceptable.
- Concerns noted at concentration of electricity infrastructure within Profile Park, but principle of need is accepted.
- Proposed height is well below permitted maximum of 45 metres for aircraft safety.
- Accepts that ABP is competent authority for AA Screening.
- Standard details required for drainage, but permission needed from Irish Water for crossing existing sewers with power ducts.

### 6.2. Environmental Protection Agency

Notes apparent overlap with licensed site (power station). Noted that the license for this site may require updating in the light of the proposed development.

### 6.3. **DoHLGH (DAU)**

Requests conditions relating to standard monitoring of the works.

### 6.4. **Transport Infrastructure Ireland**

Acknowledges receipt of referral, requests that the Board abides by official policy with respect to national roads.

## 7.0 **Applicants response**

Notes DAU comment on submission and willing to accept conditions relating to archaeology.

Notes EPA comment – It is stated that at the proposed scale, the drainage infrastructure associated with the proposed development is not anticipated to affect the pending Industrial Emissions Licence Application. The applicant will correspond with the EPA on this point.

Notes TII submission, no response required.

## 8.0 **Documentation submitted with the planning application.**

The application has been submitted with an EIAR and an appropriate assessment screening, in addition to the required associated documentation. I will address the EIAR in detail in the relevant section below.

## 9.0 **Planning Assessment**

Most relevant planning considerations in this application are covered by the EIAR and AA screening. Apart from these issues, I consider that the main planning consideration is that of the overall policy context.

### 9.1. **Policy context**

The applicant sets out a detailed international, national, regional and local policy context for the proposed development in Section 6 of the EIAR Report. In addition there are a number of relevant non-statutory policies with regard to energy

infrastructure and climate change. In its overall context, I consider that its position within the policy context be seen as linked to the permitted peaking gas station the proposed development is intended to facilitate.

Key policy documents include:

**Europe 2030 Climate and Energy framework and Renewable Energy Directive 2009/28/EC & 2018/2001/EU**

The Framework and Directive sets out detailed requirements from members states for the achievements of overall increases in renewable energy and in the stabilization of national and international grid networks.

**Climate Action Plan 2023**

The Climate Action Plan 2023 (Chapter 12) notes that the electricity sector faces an immense challenge to meet its requirements under the sectoral emissions ceilings. Electricity will play an important role in the decarbonisation of other sectors through electrification, including transport, heating, and industry. Considerable progress has been made in decarbonising the electricity sector over the last decade, resulting in electricity emissions falling by 45% between 2005 and 2020. This was possible through the deployment of renewables and their successful integration into the power grid, and the increased use of higher-efficiency gas turbines.

Government set out its response to these challenges in the **National Energy Security Framework**, published in April 2022. This Framework details Government action to manage the impacts for energy users, ensuring continued security of supply, and reducing dependency on fossil fuels in the long term. It also highlights the work required in strengthening the grid to ensure a secure supply of electricity. Section 12.1.3 of the Plan notes that the rapid delivery of flexible gas generation is needed at scale and in a timeframe to replace emissions from coal and oil generation before the second carbon budget period.

Measures to meet the challenge include complete a revised version of 'Shaping our Electricity Future' to define the required new construction and reinforcement of the electricity transmission and distribution system across the country required to achieve sectoral ceilings and carbon budgets. The key performance indicators to delivery abatement in electricity include the provision of at least 2 GW of new flexible gas-fired generation by 2030. Actions for 2023 include ensure electricity generation grid connection policies and regular rounds of connection offers which

facilitate timely connecting of renewables, provides a locational signal and supports flexible technologies (Action number EL23/6).

### **National Planning Framework Ireland**

The National Planning Framework outlines government support for the strengthening and reinforcement of the electricity transmission and distribution grids in Ireland. National Policy **Objective 47** seeks, in co-operation with relevant Departments in Northern Ireland, strengthen all-island energy infrastructure and interconnection capacity, including distribution and transmission networks to enhance security of electricity supply.

**Objective 54** seeks to reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions.

**Objective 55** promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.

**Objective 73(c)** seeks to ensure that planning authorities and infrastructure delivery agencies will focus on the timely delivery of enabling infrastructure to priority zoned land in order to deliver planned growth and development.

### **Policy Statement on Security of Electricity Supply (November 2021)**

Maintaining the security of electricity supply is considered a priority at national level and within the overarching EU policy framework in which the electricity market operates. It is expected that most renewable energy generated by 2030 will be from wind and solar. These sources of renewable energy are variable in nature and therefore will require other technologies to both support their operation and provide electricity supplies when they are not generating. This will require a combination of conventional generation (typically powered by natural gas), interconnection to other jurisdictions, demand flexibility and other technologies such as energy storage (e.g., batteries) and generation from renewable gases (e.g. biomethane and/or hydrogen produced from renewable sources). As more wind, solar, storage and interconnection is added to the system, conventional generation is expected to operate less, but sufficient conventional generation capacity will still be required. This conventional generation will spend much of its time in reserve for when needed – e.g., when required to balance the system in times of high demand and low



wind/solar generation. It is anticipated that natural gas will form the vast majority, and more enduring, part of this conventional generation.

The Government has approved that:

- the development of new conventional generation (including gas-fired and gasoil/distillate-fired generation) is a national priority and should be permitted and supported in order to ensure security of electricity supply and support the growth of renewable electricity generation;
- it is appropriate that existing conventional electricity generation capacity, including existing coal, heavy fuel oil and biomass fired generation, should be retained until the new conventional electricity generation capacity is developed in order to ensure security of electricity supply;
- the connection of large energy users to the electricity grid should take into account the potential impact on security of electricity supply and on the need to decarbonise the electricity grid;
- it is appropriate for additional electricity transmission and distribution grid infrastructure, electricity interconnection and electricity storage to be permitted and developed in order to support the growth of renewable energy and to support security of electricity supply;
- it is appropriate for additional natural gas transmission and distribution grid infrastructure to be permitted and developed in order to support security of electricity supply.

### **National Energy Security Framework (April 2022)**

The National Energy Security Framework was prepared and adopted specifically in response to the situation in Ukraine and the implications for security of the EU and Ireland's national energy security. The Framework notes that the level of dispatchable electricity generation capacity (i.e. capacity that does not rely on wind or solar energy) needs to increase significantly over the coming years due to reduced reliability of existing plants, anticipated new power stations not being developed as planned, expected strong growth in demand for electricity, and the closure of existing generation.

The Commission for Regulation of Utilities has statutory responsibility for ensuring security of electricity supply and is managing a programme of work to address this challenge which is being delivered in conjunction with the Department of the Environment, Climate and Communications and EirGrid.

It further notes that the continued supply of electricity to consumers in Ireland has not, to date, been impacted by the war in Ukraine. However, the situation is being monitored on a continuing basis by EirGrid. The level of dispatchable electricity generation capacity needs to increase significantly over the coming years in order to reliably meet the expected demand for electricity. The Commission for Regulation of Utilities, which has statutory responsibility for ensuring security of electricity supply, is managing a programme of work to address this challenge. This includes a programme of actions for the security of electricity supply. Chief amongst them in order to meet growing demand, replace retiring generators and support additional penetration of renewables, it is necessary to procure and deliver at least 2000MW of additional flexible gas-fired generation capacity by 2030 at the latest. This will be required in addition to procuring and delivering additional battery storage, low and zero-carbon system services, demand-side units and the delivery of additional interconnection capacity in the same period. Investment of this type, and at this scale, is critical to ensuring a secure transition and reaching the ambitious 2030 targets. EirGrid and the Department of the Environment, Climate and Communications are working closely with the Commission for Regulation of Utilities to implement this programme for work. The war in Ukraine and the potential for supply constraints has highlighted the need to urgently progress this work as a priority.

### **Regional Spatial and Economic Strategy for the Eastern and Midlands Regional Assembly**

Chapter 10 of the RSES relates to infrastructure and section 10.3 relates to Energy. Its goal includes:

Support for the development of a safe, secure and reliable supply of electricity and the development of enhanced electricity networks as well as new transmission infrastructure projects that might be brought forward in the lifetime of this plan under EirGrid's (2017) Grid Development Strategy will serve the existing and future needs of the Region and strengthen all-island energy infrastructure and interconnection

capacity. The strategy goes on to note that the Dublin Region is the major load centre on the Irish electricity transmission system. Approximately one third of total demand is located in the Dublin Metropolitan Area, similarly the Eastern Region is a major load centre on the Irish transmission system. The main urban demand centres are composed of a mix of residential, commercial and industrial demand, which is expected to grow up to 2025 and beyond. Developing the grid in the Region will enable the transmission system to safely accommodate more diverse power flows from renewable generation and also to facilitate future growth in electricity demand. These developments will strengthen the grid for all electricity users, and in doing so will improve the security and quality of supply. This is particularly important if the Region is to attract high technology industries that depend on a reliable, high quality, electricity supply.

**RPO 10.20** seeks to support and facilitate the development of enhanced electricity and gas supplies, and associated networks, to serve the existing and future needs of the Region and facilitate new transmission infrastructure projects that might be brought forward in the lifetime of this Strategy. This includes the delivery of the necessary integration of transmission network requirements to facilitate linkages of renewable energy proposals to the electricity and gas transmission grid in a sustainable and timely manner subject to appropriate environmental assessment and the planning process.

### **South Dublin County Council Development Plan 2022-2028**

The site is within lands zoned EE 'to provide for enterprise and employment use'. Policy E1 is to respond to European, National and Regional Policy and legislation on climate action and energy. Policy EDE1 is described as the overarching policy to support sustainable enterprise and employment growth in the county area. Policy IE6 on electricity infrastructure states that it is policy to:

*Protect the existing electricity infrastructure and support the development of a safe, secure and reliable supply of electricity and the development of enhanced electricity networks as well as new transmission infrastructure projects subject to the relevant environmental assessments.*

### **Other plans and policies**

A number of other relevant non-statutory policies and projects are outlined in the submission documents, including the EirGrid DS2 programme, aimed at ensuring a

stable grid, Eirgrids Strategy 2020-25, and East Coast Generation Opportunity Assessment, and the 'Shaping our Electricity Future Roadmap (2021).

#### 9.1.1. **Conclusions**

In overall terms, the site is within an existing zoned and permitted industrial and employment area, and the provision of additional energy infrastructure is in accordance with all levels of EU, national and regional policy, including non-statutory policy relating the grid development. This type of development is generally considered acceptable within such EE zoned areas. I would conclude that the proposed development is in accordance with stated policy and the local development plan and related policies.

#### 9.1.2. **Other planning issues:**

The site is within a permitted industrial and commercial area and is consistent with previous Board decisions relating to electricity infrastructure in the area. The industrial estate is well served with internal link roads to the regional road network so no traffic issues apply. There are no dwellings close to the site. There are no protected structures or other Development Plan designations of specific relevance to the proposed development.

I note comments from the planning authority and other statutory bodies with regard to additional standard conditions/details required for the finish/landscaping of the site, archaeology, and drainage. I consider that these can be dealt with by way of standard conditions.

I therefore conclude that all relevant planning considerations are satisfied and have been addressed within the context of the EIAR (assessment below).

### 10.0 **EIAR**

I have carried out an examination of the information presented by the applicant, including the EIAR. A summary of the issues is at the is set out in this report – no submissions have been made – the Board issued its determination on the 4<sup>th</sup> April 2023 with a list of prescribed bodies – none have made submissions on the EIA.

Although no issues were raised in the course of the EIAR process, I consider that the main issues raised specific to EIA can be summarised as follows:

- the effect of construction emissions on human health.
- the potential impact of the clearance operations on local watercourses.

These issues are addressed below under the relevant headings, and as appropriate in the reasoned conclusion and recommendation, including conditions.

I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR and supplementary information provided by the developer, adequately identifies and describes the direct, indirect and cumulative effects of the proposed development on the environment and complies with article 94 of the Planning and Development Regulations 2000, as amended.

#### **10.1. Overview of the development.**

The proposed development is as described in Section 3 above. The 110kV substation is proposed to provide a connection from the adjacent gas peaking power plant to the existing electricity transmission system – electricity is to be transported to the existing Barnakyle 110kV station – these are underground cables. The gas peaking plant is to operate during periods of high electricity demand or when there are particularly low renewable energy inputs.

There is a temporary construction compound to be provided 185 metres to the south-east – this is on cleared land within Profile Park. The entire site is within a permitted commercial industrial development and all the lands have been recently cleared, with service roads provided.

#### **10.2. Population and Human health**

Section 7 of the EIAR outlines impacts on human health. It includes desktop studies of the local population, employment status, tourism and known human health data. Section 7.3.11 provides an overview of land use and community facilities in the wider area. It is noted on the basis of the 2022 Census results that there is a

significant increase in population in the general area. 130 no. property receptors (i.e. homes) were identified within 1km of the site, indicated in Figure 7-2 of the EIAR.

Under a do-nothing scenario, it is indicated that the existing lands would remain unchanged as a greenfield site. It is anticipated that that any impacts on the local population would be slight and short term due to the construction activities. No impacts on property values are anticipated, but it is anticipated that the construction of the works would have a short-term slightly positive effect on employment and economy in the local area. It is not considered that there would be any effects on identified tourism attractions or amenities in the wider area, including the Grange Castle Golf Course or the Dublin Mountains Park. It is anticipated that no significant effects would arise from the operational period of the works. During decommissioning, standard provisions would be made for demolition and removal of materials.

With regard to human health, dust and noise emissions during construction are likely the main impactor. No significant effects are anticipated due to the scale of the works and the distance from receptors. No specific mitigation measures beyond normal best practice are recommended. It is noted that the overall proposed development is to facilitate renewable energy in the State and as such should have an overall decrease on air pollution due to the phasing out of coal, gas and peat burning stations.

It is not anticipated that there would be impacts on residential amenity due to the distance from any receptors.

Chapter 11 addresses noise and vibration, with particular reference to its impact on human health and amenity. It is concluded that the impacts would be short term (construction), with long term but imperceptible operational noise, both mostly arising from traffic generation. It is not considered that noise or vibration impacts would cause significant effects.

The EIAR does not recommend any specific mitigation measures for any of the phases of the proposed development although general measures (including a CEMP) are set out in Appendix 2-1 (Schedule of Mitigation Measures). It is not considered that there would be any cumulative effects. It is concluded that there would be slight to positive residual effects due to facilitating overall national policy on energy.

### **Conclusions**

I am satisfied that the EIAR has adequately addressed all significant effects on population and human health. The proposed development is a relatively small scale development within an commercial area with no sensitive receptors nearby. As such, I concur with the overall conclusions of the EIAR as set out in Section 7.8 of the Report. In itself, and with regard to cumulative, direct, and indirect effects, I would conclude that no specific conditions are required above a standard condition relating to the need for the local authority to confirm any specific construction details outlined in the Appendix 2-1 schedule.

### **10.3. Biodiversity**

Section 12 of the EIAR sets out anticipated effects on biodiversity. The overall baseline and field survey work and the zone of impact are outlined – no comments were received from the consultations set out in section 12.3.2.2. All desktop and field studies were carried out in accordance with EU and national guidelines. Several other ecological assessments in the area associated with other planning applications are also used to establish the baseline (section 12.5.1.10).

Table 12.3 sets out all designated sites of importance in the wider area. None are identified on or close to the site – there are no sites of identified conservation issues within 5km of the study area with the exception of the Grand Canal pNHA some 1.6km to the north (no hydraulic connection). A plan of all identified sties is set out in Figure 12.1. Bird reports from within 2 km of the site are set out in Table 12.4. A bat survey was carried out showing no evidence of presence – I note there are no structures or habitats on the site likely to be suitable for bat roosting or nesting.

The field survey indicates that all the site is a general mosaic of wet grassland, bare ground, grassy verges and artificial surfaces. Some hedgerow and treelines are identified along the boundary of the construction compound, with the Baldonnell Stream the only watercourse in the area – some 120 metres to the east. This watercourse has a slow flow with no evidence of otter, although kingfisher have previously been recorded downstream. An overgrown dry drainage ditch was also surveyed along the construction site boundary. A habitats map is provided in figure 12.2.

Section 12.6 addresses impacts. It is noted that the do-nothing option would result in the existing habitats remaining and would recolonise naturally. The AA report is referred to with regard to European sites – no effects are identified. There are a number of pNHA's within 15km, due to no significant water impacts being identified, no effects are indicated for any of these.

It is indicated that the loss of habitat (2.6 hectares) would be permanent, and an imperceptible and negative effect – none of the identified habitats are of any significance. Some slight, short term slight negative effects are identified during construction on watercourses. The possibility of common frog in the Baldonnell Stream is indicated as a potential for short term, slight negative effects on fish and aquatic species via water quality degradation.

Construction impacts would result in a number of short term, slight negative impacts due to dust and impacts on water. A slightly medium term negative effect due to possible dispersion of invasive plant species is identified.

It is noted that there is no evidence of otter habitat in the area, with the possibility of some other mammals in the hedgerow and grassland, but none like to be significant. The loss of grassland would have a permanent, imperceptible negative effect on local bird populations. Any impact from disturbance, displacement on birds would be short term and imperceptible.



Mitigation measures are set out in 12.7. All are standard best practice measures during such works, with particular emphasis on the prevention of spillage to the watercourses and not carrying out works during the nesting season where appropriate. Other permitted projects in the area are assessed with regard to cumulative impacts.

Section 12.9 addresses residual effects – it is concluded that there would be no significant residual effects from any of the three phases (construction/operation/decommissioning).

### **Conclusions**

The EIAR anticipates no residual effects and otherwise minor and short term to medium term effects from the proposed development, and no significant indirect or cumulative effects.

The proposed development takes up zoned land within a commercial area – available habitat is disturbed grassland, bare ground and hard surfacing. There are no sensitive ecological sites nearby, with the one watercourse and some low-grade hedgerow.

As such I concur with the conclusion that there would be no significant negative effect on biodiversity and I do not recommend any further conditions with regard to this.

#### **10.4. Land, soil, water and climate**

These elements are addressed in sections 8.0, 9.0 and 10.0 of the report.

Section 8 addresses, lands, soils and geology. The methodology included desk top studies and a walk over survey of the site. The site is indicated as being on deep poorly drained mineral soils with no record of flooding. The bedrock is Lucan Formation limestone. There was no indication from the survey or desktop survey of soil contamination, site of geological heritage, or geohazards.

The potential effects are indicated as soil removal and excavations, with some replacement of topsoil. The excavation works are indicated as having an imperceptible, temporary effect on soils and geology. The various anticipated impacts are set out in summary in section 8.4.5. Standard mitigation measures are set out for the storage and management of materials and the prevention of spillages or accidents. It is concluded that there would be no indirect or cumulative impacts on land and soil, and it will not have a significant negative effect.

Section 9.0 addresses hydrology and hydrogeology. The study involves desk studies of information of the site and a site walkover. The site topography is mostly flat, with no watercourses on the site or within 100 metres, but the Baldonnell Stream is within the overall landholding. It is within the Liffey catchment. Minor surface water ponding occurs on the site, but there is no evidence for pluvial, groundwater or tidal flood risk. It is indicated that the development would have an imperceptible impact on flood risk downstream of the subject site and the development satisfies the criteria for the PSFR Justification test. Surface water quality of the nearby stream is indicated as moderately polluted or poor according to EPA monitoring.

The type overlies a locally important aquifer, moderately productive in local zones. It is considered that the subsoil is low permeability limestone till and not considered to represent an aquifer body. No karst features were observed or recorded in the site. No public water scheme is present within 2 km of the site. Groundwater flow is likely to be generally in the direction of the Liffey.

Suspended solids from incorrect stockpiling and removal of subsoil and topsoil is indicated as a possible source of pollution to watercourses – measures to address this are set out in Section 9.3.4.3.

During the operational phase it is indicated that appropriate containment, use and disposal of chemicals on site would be required to prevent pollution discharges, and firefighting systems would be required – in the event of an accident, water pollution is a likely and permanent effect. Decommissioning impact is likely to be significant,

long term and likely to impact on surface water, in the absence of appropriate measures (these are set out in Appendix 2-1). The magnitude criteria for impacts on water are set out in Tables 9-6 to 9-8.

The report concludes that the overall residual impacts on the surrounding water quality, hydrology, hydrogeology and existing drainage regime at the site are considered to be not significant and mainly short term in nature. No significant cumulative impacts on any of the regional surface water catchments or groundwater bodies are anticipated.

With regard to air quality and climate, Section 10 sets out baseline survey information and the context for assessing climate change impacts. It is considered that dust arisings from construction and decommissioning would be the major contributor to air pollution, while emissions during construction would impact on greenhouse gas emissions. The immediate environment is not considered particularly sensitive to dust arising due to the nature of the immediate area (no dwellings and no sites of particular ecological sensitivity). Standard measures are proposed to minimise dust arisings and other air pollutants. It is concluded that impacts will be negative, short term, but largely imperceptible.

## **Conclusions**

The site and immediate areas are not particularly sensitive with regard to any impacts on land, soil and water. The EIAR sets out tables of standard control measures for controlling water emissions and preventing undue impacts on soils and geology. I am satisfied that the area is not prone to flooding and the works would not create any additional downstream flood risk. The area is robust with regard to impacts on geology and hydrogeology, so no significant effects can be anticipated that would require additional mitigation or other controls over and above normal best practice. I note that the planning authority requested conditions relating to drainage arrangements for the site – I consider that these are reasonable but do not invalidate the overall conclusions of the EIAR with regard to surface water impacts.

## 10.5. **Material assets, cultural heritage and the landscape**

The EIAR anticipates that negative impacts on material assets will be minor and short term, mostly due to interference with other land-users during construction and the laying of cable. The overall development is intended to enhance the national grid, so the residual effects are anticipated to be positive, slight and permanent.

Chapter 13 sets out predicted impacts on cultural heritage, setting out the legislative context and baseline information. A significant number of earlier reports on archaeological remains in the area have been conducted as part of other developments (section 13.3.2). Cartographical analysis of the site and immediate areas show it was always agricultural lands in recent centuries. A field inspection of the site was carried out.

It is noted that there is no evidence of archaeological remains on or near the site, nor any evidence of previous use of the site. Much of the lands have been disturbed. No mitigation above normal monitoring is required. It is concluded that there are no cumulative effects and no significant residual impacts.

I note the comments from the Development Applications Unit requesting a monitoring condition – the applicant did not object to this. I do not consider that this request invalidates the conclusions in this regard of the application.

Chapter 14 addresses landscape and townscape assessment. The methodology involved an assessment of the character of the area in line with guidance. The study area involved a 1-km radius (set out in Figure 14.1). The area is noted to be flat and dominated by modern peri-urban industrial commercial uses. The Landscape Character Assessment for SDCC is summarised, noting the overall wider context (in addition to the policy context for such areas in the Development Plan). Visual assessment photomontages are provided in Appendix 14.1 of the EIAR.

In its assessment of impacts, it is noted that the site is within an existing industrial and commercial area, and thus there would be a neutral impact in the ‘do nothing’ scenario. The impacts of both construction and operation are considered to be

slight, neutral to negative and imperceptible. The decommissioning stage would be neutral and temporary.

### **Conclusions**

The proposed development is within a permitted industrial estate – there is no evidence on file or from available sources that there are any archaeological sites or other sites of cultural/historical importance on or close to it. There are no protected structures within the vicinity. The landscape is flat and primarily commercial/ industrial in nature. The EIAR concludes that any impacts would be generally neutral or minor and I would concur with this – the design of the apparatus and the land use are appropriate for the location.

I do not recommend any additional conditions or mitigation beyond standard ones relating to the finish and materials and to a standard monitoring of the site for archaeological remains.

#### **10.6. The interaction between the above factors**

Chapter 16 sets out anticipated interactions between the above factors. It concludes that the primary interactions are between human health and the visual perceptions, noise, air quality and biodiversity. It is determined that no amplification effect beyond those noted in the previous sections is anticipated.

### **Conclusions**

I concur with the overall conclusion of Chapter 16 that the anticipated effects are not serious and apart from the interactions identified specifically within the relevant sections there are no likely negative effects, direct, indirect or cumulative, likely to arise from interactions.

#### **10.7. Reasoned Conclusion**

Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submissions made in the course of the application I conclude

that there are no environmental effects above and beyond those projected by the applicants in the EIAR that can be reasonably anticipated. The proposed development, including the construction site, are an appropriate land use within an industrial/commercial zone and there are no sensitive receptors in the area and the overall environment is robust. The proposal is subject to normal best practice requirements which will adequately address identified risks in construction, operation and decommissioning.

Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, I consider that the main significant direct and indirect effects of the proposed development on the environment will be mitigated by way of the Mitigation measures set out in Appendix 2-1 of Volume III of the EIAR as submitted.

I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment.

I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR and supplementary information provided by the developer, adequately identifies and describes the direct, indirect and cumulative effects of the proposed development on the environment and complies with article 94 of the Planning and Development Regulations 2000, as amended.

## **11.0 Appropriate Assessment**

The applicant has submitted a screening report for Appropriate Assessment / Natura Impact Statement as part of the planning application dated June 2023, provided by Tobin Building Consultants.

This report sets out all relevant guidance documentation and relevant court judgements (section 3.1), and notes that the EPA, DAU, An Taisce and Inland Fisheries Ireland (IFI) were consulted, with no responses received. Section 3.3 outlines the desktop studies and information sources. An ecological survey of the

site was undertaken in January 2023. The limitations of a January survey for some species is noted, but given the nature of the site this was not considered to invalidate any solutions. As the site is within a developing industrial estate and in an area under intense construction and having regard to the lack of proximity of any designated habitats, I consider this to be reasonable.

The Screening document notes the nature and extent of the site, along with plans showing the extent of the site. A brief overview of the nature of the works, including pre-construction works is provided.

The results of the survey are set out – it is noted that the site has recently been largely cleared of habitat and comprises a mosaic of spoil and bare ground. Much of the site is tarmac and concrete verges, with dry meadow within the proposed construction compound.

It is noted that the Baldonnell Stream is located 125 metres east of the site. This flows to the Grifteen River, which in turn discharges to the Liffey. An otter survey of the watercourse was undertaken and none were detected – it is not considered suitable habitat. In addition, there is no suitable nesting habitat for kingfisher close to the site. No other protected fauna were detected. The lands are located over the 'Dublin Groundwater Body', which is assigned 'good' WFD status.

It is stated that no European sites are located within or adjacent to the proposed development site. The closest site is the **Rye Water Valley/Carton SAC** (site code 001398), some 6km northwest. The site is hydrologically connected to four European sites in Dublin Bay – **North Dublin Bay SAC** (000206); **South Dublin Bay SAC** (000210), **North Bull Island SPA** (004006); and **South Dublin Bay and River Tolka Estuary SPA** (004024). Figure 6-1 indicates the relationship between the site and these designated areas.

Section 6 provides an overview of the construction, operational, and decommissioning impacts. This is largely consisting of ground disturbance, and

dust/noise and other arisings from construction and from compound lighting. In its assessment of significance, it is noted that the potential hydrological pathway was identified between the site and four EU designated sites within Dublin Bay. It concludes that there are no significant effects on the qualifying interests/special conservation interests of these four sites due to:

1. The small scale and short term nature of the works;
2. Lack of instream works proposed for the Baldonnell Stream;
3. The separation distance between the proposed development and Baldonnell Stream; and
4. The significant distance from the designated sites and the proposed development.

The potential for in-combination effects was addressed in Section 8. A number of nearby development sites are identified, but it is considered that these are minor in nature and have no potential indirect/in-combination effects. With regards to plans, it is noted that the SDDP 2022-2028 indicates that the site is within Enterprise and Employment zoned lands.

The Screening Assessment concludes that the proposed development will not result in likely significant effects on the qualifying interests of any European sites and so a Stage 2 Appropriate Assessment is not required.

I am satisfied that the applicant's **Stage 1 AA Screening Report** was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development.

The applicants AA Screening Report concluded that the proposed development will not result in likely significant effects on the qualifying interests of any European sites and so a Stage 2 Appropriate Assessment is not required. Having reviewed the documents, submissions, and surveyed the site, I am satisfied that the information



allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites. I am satisfied that the surveys, assessment, and conclusions are consistent with all information on file and my observations during the site visit, in addition to other information provided with the application to the Board.

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment, it has been concluded that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 001398; 000206; 00021; 004006; or 004024 or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on the following:

- The size and scale of the proposed development
- The nature of the site and its location within an industrial estate zoned for Enterprise and Employment
- The separation distance from any nearby watercourse providing a direct hydrological link to the designated habitats in Dublin Bay.
- The absence of any evidence of habitat or fauna on the site or in the vicinity that could support species associated with any designated habitats.

## 12.0 Recommendation

I recommend that the Board grant permission for the proposed development for the reasons and considerations set out below.

## 13.0 Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- The nature, location, scale and extent of the proposed development
- The characteristics of the site and its general vicinity,
- European, national, regional and county level support for facilitating the improvement and stability of the national and local grid as set out in documents such as:
  - The Governments Climate Action Plan 2023,
  - Project Ireland 20-40 National Planning Framework
  - The Regional Spatial and Economic Strategy 2019-2031,
  - The South Dublin County Development Plan 2022-2028
- The documentation submitted with the application, including the EIAR and the Schedule of Mitigation Measures (Appendix 2-1 of the EIAR),
- The separation distances to houses and other sensitive receptors,
- The design measures proposed for construction, operation, and decommissioning of the proposed development.

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with national, regional, and local planning and related policy, would not have an unacceptable impact on landscape, ecology or cultural heritage, would not seriously injure residential amenities, would be acceptable in terms of traffic safety and would make a positive contribution to Irelands renewable energy commitments in relation to climate change. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 14.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the undertaker shall agree such details in writing with the planning authority prior to the commencement of development and the proposed development shall be carried out and completed in accordance with agreed particulars. In default of agreement, such matters shall be referred to An Bord Pleanála.

**Reason:** In the interest of clarity.

2. For the avoidance of doubt, all mitigation measures as set out in Appendix 2-1 Schedule of Mitigation Measures, dated June 2023 shall be implemented. All details of the proposed CEMP shall be agreed and confirmed with the planning authority prior to the commencement of development.

**Reason:** In the interest of clarity.

3. All external finishes, including material types and colouring, shall be submitted to the planning authority for agreement prior to the commencement of development.

**Reason:** In the interest of visual amenity.

4. Surface drainage detail shall be submitted to the planning authority for agreement prior to the commencement of development. This shall include specific permissions for crossing water and drainage pipes with power ducts.

**Reason:** In the interest of orderly development.

5. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the

commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

## **EIAR**

The Board completed in compliance with s.172 of the Planning and Development Act 2000 an environmental impact assessment of the proposed development, taking into account:

- the nature, scale, location, and extent of the proposed development;
- the Environmental Impact Assessment Report and associated documentation submitted with the application;
- the submissions from [the applicant, the appellant(s), the planning authority, the observers and the prescribed bodies], [including submissions made to the oral hearing];
- the Planning Inspector's report;

The Board considered that the Environmental Impact Assessment Report, supported by the information submitted by the applicant identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the

EIAR complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application. The Board is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation (including environmental conditions) and are incorporated into the Board's decision.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, as set out in Volume III – Appendix 2-1 of the EIAR, and, subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting inspector.

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. Philip Davis  
Planning Inspector

30<sup>th</sup> November 2023